

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Reginald Bernard Draughn
Debtor

CHAPTER 13

CASE NO.: 21-12276-amc

HEARING DATE: October 8, 2024

TIME: 11:00am

LOCATION: Courtroom #4

**MOTION OF PLANET HOME LENDING, LLC, FOR RELIEF FROM THE
AUTOMATIC STAY PROVISIONS OF 11 U.S.C § 362(A) AND RELIEF THE CO-
DEBTOR STAY PROVISIONS OF 11 U.S.C § 1301 TO PERMIT MOVANT TO
COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON
717 GLASGOW STREET, POTTSTOWN, PA 19464**

AND NOW COMES, Planet Home Lending, LLC (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to permit Movant to commence or continue its foreclosure on real property located at 717 Glasgow Street, Pottstown, PA 19464 (the “Mortgaged Premises”).

2. On or about August 18, 2021, Marie Draughn (“Co-Debtor”) executed and delivered to American Neighborhood Mortgage Acceptance Company LLC, a Promissory Note (“Promissory Note”) in the principal amount of \$236,634.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor, Reginald Bernard Draughn and Co-Debtor, Marie Draughn, granted Mortgage Electronic Registration Systems, Inc., as nominee for American Neighborhood Mortgage Acceptance Company LLC, a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Montgomery County Recorder of Deeds Office on

February 8, 2021 in Book 15152 at page 2150. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the recorded Assignment of Mortgage is attached hereto and made apart hereof as Exhibit “C.”

5. On August 18, 2021, Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code. On December 15, 2021 the case was converted from a Chapter to a Chapter 13.

6. The Debtor in their Amended Schedule filed February 11, 2022, states that the current value of the Mortgaged Premises is \$179,101.60.

7. As of August 16, 2024, the unpaid Principal Balance on the subject mortgage account is \$224,345.19 and the total amount due to Movant is \$237,618.58.

8. The Debtor in their Chap 13 Plan, does not mention the mortgage serviced by the Movant on the property.

9. As of August 16, 2024, the current monthly payment on the Mortgage is \$1,564.76.

10. The Debtor is currently in arrears post-petition as of August 16, 2024 for failure to pay all of the post-petition mortgage payments due from May 1, 2023 through November 1, 2023 (7 x \$1,566.55) and due from December 1, 2023 through April 1, 2024 (5 x \$1,568.67) and due from May 1, 2024 through August 1, 2024 (4 x \$1,564.76) in the amount of \$25,068.24, less a suspense balance in the amount of \$33.45, for a total amount due of \$25,034.79.

11. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and relief from the co-debtor automatic stay pursuant to 11 U.S.C. § 1301 as the Debtor has defaulted on post-petition payments.

WHEREFORE, Planet Home Lending, LLC respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from

the co-debtor stay provisions of 11 U.S.C. § 1301 to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,
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